HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.28377 of 2007

Date: December 31, 2007

Between:
Mohammed Abdul Khadar … Petitioner

And

1. The Special Deputy Collector (TW)
   Bhadrachalam, Khammam District
   and 3 others. … Respondents

* * *

ORDER:

The petitioner in this writ petition questions the inaction on the part of second respondent-appellate authority in passing orders either on the stay petition or on the appeal filed against the order of eviction dated 20th October 2007 passed in L.T.R. Case No.214/2007/MGR by the Special Deputy Collector (TW), Bhadrachalam, Khammam District.

2. The petitioner claims title and possession over an extent of Ac.0-04 guntas of land covered by survey Nos.220, 221 and 227 of Bandarugudem village, Manuguru Mandal, Khammam District. It is stated that the petitioner has purchased the same under sada sale deed dated 04th August 1962 prior to Regulation scheme came into force prohibiting transfers from tribals. The Special Deputy Collector (Tribal Welfare), Bhadrachalam, passed an order of eviction overruling objections of the petitioner as against which the petitioner preferred appeal along with application of stay on 05.12.2007.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader for Social Welfare appearing for respondents.

4. It is the grievance of the petitioner that earlier proceedings in L.T.R. Case No.206/1987/MGR in between the father of the 4th respondent and petitioner's father are dropped and on the similar set of allegations, however, without recording any further valid reasons the impugned order of eviction is passed. It is also submitted that as much as he is in possession of the schedule land prior to the commencement of the Regulation 1 of 1959, the transfer was not hit by either Regulation 1 of 1959 or amended Regulation 1 of 1970. It is stated that as against the order of eviction the petitioner preferred appeal on 05.12.2007, but however no orders are passed.

5. In view of the pendency of the appeal it is not desirable to record findings on merits of the case. As much as it is stated that petition schedule property was purchased as early as 04th August 1962 and there are structures raised by the petitioner and taking into account the appeal filed by the petitioner is pending consideration before the appellate authority, I deem it appropriate to dispose of the writ petition directing the appellate authority to dispose of the appeal preferred by the petitioner on 05.12.2007. Pending disposal of the appeal the respondents are directed not to enforce the order of eviction dated 20th October 2007 passed in L.T.R.No.214/2007/MGR.

6. Subject to the above directions, the writ petition is disposed of. No costs.

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(R. SUBHASH REDDY, J)

Date: December 31, 2007.
BSB